

REMARKS/ARGUMENTS

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 1-4, 9 and 16-29 are currently pending in this application. By the foregoing amendment, Claim 21 has been revised. Accordingly, Claims 1-4, 9 and 16-29 remain in this application for consideration and allowance.

In the October 26, 2009 Office Action, the following claim rejections, which are respectfully traversed for reasons subsequently set forth herein, were made.

1. Claims 1-4, 9 and 21-26 were rejected under 35 USC §103(a) as being unpatentable over U.S. 5,254,092 to Polyak in view of U.S. Patent 4,854,482 to Bergner;
2. Claims 16, 19 and 20 were rejected under 35 USC §103(a) over Polyak as modified by Bergner, further in view of U.S. Patent 5,015,233 to McGough et al;
3. Claims 17 and 18 were rejected under 35 USC §103(a) as being unpatentable over Polyak as modified by Bergner, further in view of U.S. Patent 4,250,887 to Dardik et al;
4. Claim 27 was rejected under 35 USC §103(a) as being unpatentable over Polyak as modified by Bergner, further in view of U.S. Patent 4,776,618 to Barree; and
5. Claims 28 and 29 were rejected under 35 USC §103(a) as being unpatentable over Polyak as modified by Bergner, further in view of U.S. Patent 4,823,588 to Busserau et al.

1. The Obviousness Rejection of Claims 1-4, 9 and 21-26

Via independent Claim 1, each of applicants' Claims 1-4 and 9 specifies that the pumping system recited therein comprises a manually operable actuator at a position distal to the trigger on the end of the housing allowing manual pressure release by one hand of a user while holding the housing in the same one hand, the manually operable actuator selectively releasing pressure on said fluid within a conduit by releasing at least a portion of said fluid out of the conduit and external to the fluid source.

Neither Polyak nor Bergner discloses this claimed feature of applicant's invention. Specifically, in Polyak the pressure relief structure 26-20 shown in Polyak FIG. 10 referred to by the Examiner is not manually actuatable (but is automatically actuated in response to sensing a predetermined maximum pressure), is not positioned distally of the trigger, and is not operable by the same user hand holding the housing. The sliding element 10 in Polyak referred to by the Examiner does not function to release fluid pressure externally of the reservoir 15, but instead, functions to selectively reverse the flow of fluid back into the reservoir 15 to deflate an object being pressurized by the overall Polyak structure shown in FIG. 10.

This clear deficiency in Polyak is in no manner cured by the Bergner reference in which the pressure relief structures 10 are positioned at the forward end of the trigger-operated dispensing device and are thus not operable by the same user hand operatively holding the device.

Since neither of the Polyak and Bergner references discloses a pressure releasing structure as specified by applicants in Claims 1-4 and 9, the Examiner has clearly failed to establish the requisite *prima facie* case of obviousness of these claims. It is thus respectfully requested that this obviousness rejection of Claims 1-4 and 9 be withdrawn.

Via independent Claim 21, each of applicants' Claims 21-26 specifies a hand-held pumping system comprising A hand-held pumping system comprising a source of fluid for selective pressurization; a housing means for containing the source of fluid; a mechanism for applying pressure to said fluid; a flexible conduit for selectively carrying said fluid from said source when said fluid is pressurized, **said flexible conduit having an inlet end operative to receive the fluid, and an outlet end for discharging the received fluid;** and a container of a viscous material connected to **said outlet end of** said conduit to receive pressurized fluid from said conduit to selectively force said viscous material from said container

Neither Polyak nor Bergner discloses or suggests the use of a flexible conduit interconnected between a source of fluid and a container of viscous fluid as recited in Claims 21-26. In his conclusory remarks in the October 26, 2009 Office Action, the Examiner states that "the device of Bergner shows a container of viscous material formed in the handle 1a". However, it should be noted that the **inlet** of the illustrated suction line 13 is communicated with the liquid propellant 12 (characterized by the Examiner as a viscous fluid), and that (as implicitly

conceded by the Examiner), there is no container of viscous fluid utilized in Polyak. For at least these reasons the Examiner has clearly failed to establish the requisite *prima facie* case of obviousness of Claims 21-26. It is thus respectfully requested that this obviousness rejection of Claims 21-26 be withdrawn.

2. The Obviousness Rejection of Claims 16, 19 and 20

Claim 16 depends from Claim 1 which, for the reasons previously set forth herein, is seen to be patentably distinguishable over the proposed Polyak/Bergner reference combination due to the noted deficiencies therein. These deficiencies are in no manner cured by the McGough et al reference which has been cited by the Examiner solely for its alleged teachings with respect to the use of a working pressure range of up to 5000 PSI.

In a manner similar to that in previously discussed claim 1, Claims 19 and 20 specify, in a hydraulic pressure pump system, a manually operable actuator operative to selectively release pressure from a conduit external to the recited fluid reservoir, thus rendering these claims patentably distinguishable over the proposed Polyak/Bergner reference combination due to the noted deficiencies therein. These deficiencies are in no manner cured by the McGough et al reference which has been cited by the Examiner solely for its alleged teachings with respect to the use of a working pressure range of up to 5000 PSI.

It is therefore respectfully submitted that none of applicants' Claims 16, 19 and 20 is rendered obvious by the proposed Polyak/Bergner/McGough et al reference combination.

3. The Obviousness Rejection of Claims 17 and 18

Claims 17 and 18 depend from independent Claim 1 which, as discussed above, is seen to be patentable over the Polyak and Bergner references due to the noted deficiencies therein. These deficiencies are in no manner cured by the Dardik et al reference which has been cited by the Examiner solely for its alleged teachings with respect to the use of flexible tubing long enough to permit a user to be outside of a radiation field of a patient being imaged. It is thus respectfully submitted that neither of applicants' Claims 17 and 18 is rendered obvious by the proposed Polyak/Bergner/Dardik et al reference combination.

4. The Obviousness Rejection of Claim 27

Claim 27 depends from independent Claim 21 which, as discussed above, is seen to be patentable over the Polyak and Bergner references due to the noted deficiencies therein. These deficiencies are in no manner cured by the Barree reference which has been cited by the Examiner solely for its alleged teachings with respect to a hollow housing for receiving a conduit with a ferrule and a seal surrounding and sealing the conduit against a set screw. It is thus respectfully submitted that applicants' Claim 27 is not rendered obvious by the proposed Polyak/Bergner/Barree reference combination.

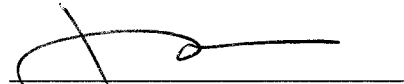
5. The Obviousness Rejection of Claims 28 and 29

Claims 28 and 29 depend from independent Claim 21 which, as discussed above, is seen to be patentable over the Polyak and Bergner references due to the noted deficiencies therein. These deficiencies are in no manner cured by the Bussereau et al reference which has been cited by the Examiner solely for its alleged teachings with respect to pressure release mechanism pivotally rotatable about a pin and a relief valve between the fluid source and the pressure mechanism for releasing the fluid back to the source when pressure exceeds a threshold. It is thus respectfully submitted that applicants' Claim 27 is not rendered obvious by the proposed Polyak/Bergner/Bussereau et al reference combination.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 1-4, 9 and 16-29 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/739-8612 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,



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